Case 1:07-cv-06865-LTS-GWG

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

INDYMAC BANK, F.S.B.,

Case No.: 07 cv 6865 (LTS)

Plaintiff,

- against -

NATIONAL SETTLEMENT AGENCY, INC.; : STEVEN M. LEFF; RACHEL M. LEFF; RICHARD A. LEFF; JOHN DOES 1-100,

ORDER OF ATTACHMENT AND ORDER ALLOWING EXPEDITED **DISCOVERY**

AS AGAINST RACHEL M. LEFF

Defendants.

UPON plaintiff IndyMac Bank, F.S.B.'s Order to Show Cause dated August 16, 2007, the Affidavits of Nicholas J. Nyland sworn to August 1, 2007 and August 29, 2007, the Declaration of Eric Weinstein dated August 16, 2007, and the Memorandum of Law dated August 16, 2007, and due deliberation being had thereon;

AND plaintiff having filed a Summons and Complaint on July 31, 2007 and the Order to Show Cause having been filed on August 16, 2007 requiring Rachel M. Leff to show cause why the following orders should not be entered: (1) an order of attachment pursuant to Fed. R. Civ. P. 64 and C.P.L.R. § 6201, (2) a preliminary injunction pursuant to Fed. R. Civ. P. 65; and (3) an order allowing expedited discovery against Rachel M. Leff;

AND plaintiff having filed an undertaking in the sum of \$10,000 pursuant to the Order to Show Cause dated August 6, 2007;

AND Rachel M. Leff having been served on August 17, 2007 with the Order to Show Cause dated August 16, 2007, directing her to appear before this court on this day;

AND the plaintiff having appeared before this Court on September 10, 2007, and Rachel M. Left having appeared won ownal and lestified;

AND the Court having determined, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. §§ 6201(3) and 6212 that: (a) plaintiff has causes of action whereby it has demanded and would be entitled to a money judgment against Rachel M. Leff in the amount of \$2,315,434.00, plus interest, costs, and disbursements, (b) it is probable that the plaintiff will succeed on the merits of its claims against Rachel M. Leff, (c) Rachel M. Leff with intent to defraud the plaintiff or frustrate the enforcement of a judgment that might be rendered in the plaintiff's favor, has assigned, disposed of, and secreted property, and is about to continue such acts, and (d) the amount demanded from Rachel M. Leff exceeds all counterclaims known to the plaintiff;

IT IS HEREBY ORDERED THAT the amount to be secured by this Order of Attachment shall be \$2,315,434.00 plus the legal rate of interest thereon from June 13, 2007, costs, and United States Marshals Service's fees and expenses; and it is further

ORDERED that, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. §§ 6210 & 6211(a), the United States Marshals Service of the Southern District of New York or of any district in the State of New York shall levy, at any time before final judgment, only upon Rachel M. Leff's share in the real property situated at 15 Anvil Court, East Hampton, NY 11937 or upon the proceeds of the sale thereof.

ORDERED that, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. § 6220, on or before September 19, 2007, Rachel M. Leff shall provide counsel for plaintiff a sworn affidavit enumerating in detail each and every bank account, investment account, investment, commercial paper, parcel of real property, motor vehicle, watercraft, or other personal property of \$10,000 of value or more, whether held personally or in trust, and the location and garnishee of each; and it

is further

ORDERED that the plaintiff may immediately begin taking discovery from Rachel M.

Leff.

Dated: New York, New York

SO ORDERED

United States District Judge

FELDMAN WEINSTEIN & SMITH LLP

Attorneys for Plaintiff IndyMac Bank, F.S.B.

By

Eric Weinstein (BW 5423)

Yong Hak Kim (Of Counsel) David J. Galalis (DG 1654)

420 Lexington Avenue, Ste. 2620

New York, NY 10170

(212) 869-7000